

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**EDGAR RENE NUNEZ,**

*Plaintiff*

v.

**UNITED STATES OF AMERICA,**

*Defendant*

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**CASE NO. A-17-CR-00270-RP  
A-19-CV-1029-RP-SH**

**ORDER**

Before this Court are Petitioner Edgar Nunez's Motion to Compel Attorney J. C. Castillo to Surrender Case File, filed on January 16, 2019 (Dkt. No. 172), and Nunez's Motion to Stay § 2255 Proceedings, filed on January 21, 2019 (Dkt. No. 174). On November 6, 2019, the District Court referred Petitioner's Motion to Vacate to the undersigned Magistrate Judge for Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas.

In his Motion to Compel, Nunez asks the Court to order his attorney, J. C. Castillo, to surrender his case file to him. Nunez argues that the file is needed to supplement or amend his § 2255 motion. According to Nunez, he has sent Mr. Castillo two letters via certified mail requesting his case file, but Mr. Castillo has failed to respond to his requests. Nunez's Motion to Stay asks the Court to stay the case until he receives the case file.

The Court finds that both motions are meritorious. Accordingly, Nunez's Motion to Compel Attorney J. C. Castillo to Surrender Case File (Dkt. No. 172) and Nunez's Motion to Stay § 2255 Proceedings (Dkt. No. 174) are **HEREBY GRANTED**.

The Court **ORDERS** attorney J.C. Castillo to provide to Edgar Rene Nunez his entire criminal case file by February 10, 2020.

It is **FURTHER ORDERED** that the Clerk of Court shall provide a copy of this Order to Mr. Castillo.

It is **FURTHER ORDERED** that any Amended § 2255 Motion must be filed with the Court by March 2, 2020. Thereafter, the Court will serve the defendant and issue a briefing schedule in the case.

**SIGNED** on January 30, 2020.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE